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Thursday, July 25, 2024

Via Electronic Filing and E-Mail chambersnydeseibel@nysd.uscourts.gov

Hon. Cathy Seibel
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: Individual Practices § 2.A. Pre-Hearing Conference
Case No.: 7:23-cv-04533
Re: *Project Veritas, et al. v. James O'Keefe, et al.*

Dear Judge Seibel:

Undersigned counsel represents Defendants James O'Keefe and Transparency 1, LLC d/b/a O'Keefe Media Group (together "Defendants") in the above-referenced litigation. Per this Court's Minute Entry of June 3, 2024, the Court has scheduled a Preliminary Injunction evidentiary hearing on July 29, 2024, to hear Plaintiffs' May 29, 2024, Motion for Preliminary Injunction. (Dkt. 50, 51, 51-1).

This day, Defendant Transparency 1, LLC d/b/a O'Keefe Media Group ("OMG") has filed an emergency motion to quash a subpoena served by Plaintiffs on OMG's Keeper of Records requiring him to testify at the July 29, 2024 hearing. (Dkt. 60). The basis of OMG's Motion is a medical emergency.

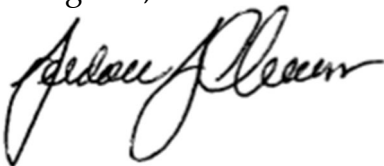
OMG notes that Your Honor's Individual Practices § 2.A. require parties to arrange a pre-motion conference prior to filing a motion unless a party "reasonably believes that delay in filing might result in the loss of a right." In such circumstances, § 2.A. instructs parties to "file, along with the motion, a letter explaining why the party believes it might be prejudiced if it complied with the pre-motion conference requirement."

OMG has not sought to arrange a pre-motion conference and submits that it believes it might be prejudiced if it complied with the pre-motion filing requirement because its motion is filed on an emergency basis and seeks to quash a subpoena to testify at a hearing that is scheduled to take place next Monday, four calendar days from today. OMG believes that if it waited to file its emergency motion until after a pre-motion

conference was scheduled and heard; OMG's motion would be mooted before it could be ruled on by the Court.

Thank you for your consideration and attention to this matter.

Regards,

A handwritten signature in black ink, appearing to read "Seldon J. Childers", written in a cursive style.

Seldon J. Childers

CHH/adm

cc: counsel of record via CM/ECF

